IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 407 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SATISH KANTILAL DAVE

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 407 of 2003
THROUGH JAIL for Petitioner No. 1
MR. RM. PARMAR APP for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 05/05/2003

ORAL JUDGEMENT

1. Rule. Mr. R.M. Parmar appears and waives service of notice of Rule on behalf of the respondents.

Heard learned A.P.P. for the respondents.

2. It is stated by learned A.P.P. that some application was moved by the petitioner before the learned District Magistrate, concerned for grant of parole leave and that application has already been rejected on account adverse police opinion against the petitioner. It is also pointed by the learned A.P.P. that on earlier occasions, the petitioner was granted parole leaved and he had surrendered in time and he has not misused the parole leave granted to him.

3. In the facts and circumstances of the case and the submissions made by the learned A.P.P. as well as the material on record, this petition deserves to be allowed. Accordingly, this petition is allowed and the petitioner is ordered to be released on parole leave for a period of 30 days from the date of actual release, on usual terms and conditions. Rule is made absolute.

(Kundan Singh, J.)

/JVSatwara/